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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,602	04/15/2004	Marilyn S. Deas	24173.00	6405

7590 08/11/2005

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EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/824,602

Applicant(s)

DEAS ET AL.

Examiner

Amy R. Cohen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 20. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 10 is objected to because of the following informalities:

Claim 10 is dependent on claim 8, however, in order to avoid lack of antecedent basis issues, it should depend on claim 9.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 8-11, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rauch (U. S. Patent No. 4,142,464).

Rauch teaches a method of making a craft stencil, comprising the steps of: providing an intentioned sheet (18) of open mesh material (Col 5, lines 34-42); applying a single, thin layer of a photosensitive emulsion (19) to one side of said material (Col 5, lines 43-60); overlaying said material with a transparent sheet (25, 26), the transparent sheet having a pattern opaquely printed on a surface thereof, the pattern covering corresponding areas of said material (Col 6, lines 19-45); exposing areas of said emulsion not covered by said pattern to light while leaving emulsion covered by said pattern substantially unexposed (Col 8, lines 11-28); removing said transparent sheet from said material (Col 8, lines 19-28); and removing said unexposed emulsion from said material (Col 1, lines 16-27 and Col 8, lines 29-53).

Rauch teaches the method of making a craft stencil wherein said pattern comprises at least one guideline (Col 6, lines 35-50).

Rauch teaches the method of making a craft stencil wherein said at least one guideline comprises at least one registration mark (Col 6, lines 35-50, any of the intersections of the cross-lines can be considered a registration mark).

Rauch teaches the method of making a craft stencil wherein said pattern comprises a plurality of lines (Col 6, lines 47-50).

Rauch a craft stencil formed by the method above (Col 1, line 50-Col 2, line 48).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch in view of Grippi et al. (U. S. Patent No. 4,986,005).

Claims 1-3, 5, 7: Rauch discloses a craft stencil, comprising: a sheet of open mesh material (18); a coating (19) applied to portions of the mesh material, wherein coated portions of the mesh material are substantially impermeable to particulate matter and uncoated portions of the mesh material define a pattern permeable to particulate (Col 5, lines 43-60); the pattern including at least one guideline (29); whereby when the sheet is placed upon a workpiece and an marking material applicator is applied to the stencil, the marking material passed through the uncoated portions of the mesh material and transfers the pattern to the workpiece (Col 5, lines 43-60).

Rauch discloses the craft stencil wherein said at least one guideline comprises at least one registration mark (Col 6, lines 35-50, any of the intersections of the cross-lines can be considered a registration mark).

Rauch discloses the craft stencil wherein said pattern comprises at least one continuous line (Col 6, lines 35-50).

Rauch discloses the craft stencil wherein said open mesh material is a polyester monofilament mesh (Col 5, lines 34-42).

Rauch does not disclose the craft stencil wherein the marking material applicator is a powder applicator and the marking material is powder; wherein the craft stencil coated areas are semi-transparent or transparent.

Grippi et al. discloses a craft stencil wherein the marking material applicator (22) is a powder applicator and the marking material is powder (42) (Col 3, lines 38-46); wherein the craft stencil is transparent (Col 3, lines 38-46).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the marking material applicator and the marking material of Rauch to be a powder applicator and powder, as taught by Grippi et al., since Rauch discloses that any image forming agent may be passed through to mark the workpiece (Rauch, Col 8, lines 46-54) and since Grippi et al. discloses that it is common to use a powder applicator and powder in laying out patterns on fabric (Grippi et al., Col 1, lines 44-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the craft stencil of Rauch to be transparent or semi-transparent, as taught by Grippi et al., so that the user could align the craft stencil to form various patterns (Grippi et al., Col 4, line 3-Col 5, line 32) by seeing through the craft stencil to the pattern marked in each step.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch and Grippi et al. as applied to claim 1-3, 5, 7 above, and further in view of Thomas (U. S. Patent No. 5,518,803).

Rauch and Grippi et al. disclose the craft stencil as described above in paragraph 6.

Rauch and Grippi et al. do not disclose the craft stencil wherein said open mesh material has a thread count of between about forty to one hundred ninety threads per inch.

Thomas discloses a craft stencil wherein said open mesh material has a thread count of between about forty to one hundred ninety threads per inch (Col 4, lines 40-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the craft stencil of Rauch and Grippi et al., to have a thread count of between about forty to one hundred ninety threads per inch, as taught by Thomas, so that the correct amount of coloring agent will be able to reach the workpiece (Thomas, Col 4, lines 25-59).

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8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch and Grippi et al. as applied to claim 1-3, 5, 7 above, and further in view of Cormack (U. S. Patent No. 6,460,267).

Rauch and Grippi et al. disclose the craft stencil as described above in paragraph 6.

Rauch and Grippi et al. do not disclose the craft stencil wherein said at least one guideline comprises at least one directional arrow disposed on said at least one continuous line.

Cormack discloses a craft stencil wherein said at least one guideline comprises at least one directional arrow disposed on said at least one continuous line (Fig. 1, Col 1, lines 15-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the craft stencil of Rauch and Grippi et al., to include at least one directional arrow, as taught by Cormack, so that proper patterns could be drawn on a workpiece.

9. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Rauch in view of Cormack.

Rauch discloses the method of making a craft stencil as described above in paragraph 4.

Rauch does not disclose the method of making a craft stencil wherein said at least one guideline comprises at least one directional arrow disposed on said at least one continuous line; wherein the photosensitive emulsion is semi-transparent.

Cormack discloses a craft stencil wherein said at least one guideline comprises at least one directional arrow disposed on said at least one continuous line (Fig. 1, Col 1, lines 15-53); and wherein the craft stencil is transparent (Col 1, lines 60-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the craft stencil of Rauch, to include at least one directional arrow and to be semi-transparent or transparent, as taught by Cormack, so that proper patterns could be drawn on

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a workpiece; and so that the user could align the craft stencil to form various patterns by seeing through the craft stencil to the pattern marked in each step.

10. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grippi et al. (U. S. Patent No. 4,986,005) in view of Rauch.

Grippi et al. discloses a method of using a craft stencil, comprising the steps of: providing a craft stencil (21), the craft stencil comprising sheet of material (Col 3, lines 38-46), wherein cutout pieces define a pattern (Col 3, lines 47-59, Col 4, line 62-Col 5, line 9); positioning said craft stencil on a surface a workpiece (Col 4, lines 3-16); applying a marking powder to said craft stencil (Col 4, lines 3-16), the marking powder contacting the surface of said workpiece through said cutout pieces of said craft stencil (Col 4, lines 3-16); and removing said craft stencil from the surface said workpiece (Col 4, lines 17-34).

Grippi et al. discloses the method of using a craft stencil wherein said marking powder is applied to the surface of said workpiece using a marking powder applicator (Col 3, lines 38-46).

Grippi et al. discloses the method of using a craft stencil wherein said marking powder contacts the surface of said workpiece through said cutout pieces of said craft stencil (Col 3, lines 38-59).

Grippi et al. discloses the method of using a craft stencil wherein said pattern includes at least one guideline (Col 3, lines 47-59).

Grippi et al. discloses the method of using a craft stencil comprising the step of using said at least one guideline to align said craft stencil with markings or features on the surface of said workpiece (Col 4, line 3-Col 5, line 32).

Grippi et al. does not disclose the method of using a craft stencil wherein the craft stencil comprises a sheet of open mesh material, there being a substantially impermeable coating



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applied to portions of said material, whereby remaining uncoated portions of the material define a pattern.

Rauch discloses a method of using a craft stencil wherein the craft stencil comprises a sheet of open mesh material, there being a substantially impermeable coating applied to portions of said material, whereby remaining uncoated portions of the material define a pattern (Col 5, lines 34-60, Col 6, lines 35-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the craft stencil of Grippi et al. to be a sheet of mesh material having a coating with an uncoated pattern, as taught by Rauch, so that a user could modify the pattern or create his or her own pattern of uncoated material to suit his or her needs (Rauch, Col 6, lines 35-50).

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following application and patents disclose stencils Caplan (U. S. PGPUB 2004/0237814), Nelson et al. (U. S. Patent No. 6,237,240), Carbone (U. S. Patent No. 6,216,354), Watanabe et al. (U. S. Patent No. 5,879,792), Ichimura et al. (U. S. Patent No. 5,246,815), Mais (U. S. Patent No. 5,015,557), Rauch (U. S. Patent No. 4,477,557), Kinney (U. S. Patent No. 4,262,084), and Kinney et al. (U. S. Patent No. 3,934,503).

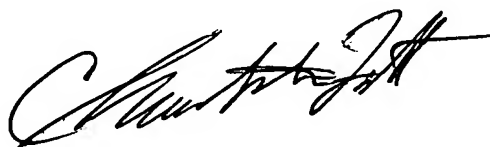
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R. Cohen whose telephone number is (571) 272-2238. The examiner can normally be reached on 8 am - 5 pm, M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARC  
August 9, 2005

A handwritten signature in black ink, appearing to read 'Christopher Fulton', is written over a horizontal line.

Christopher Fulton  
Primary Examiner  
Tech Center 2800